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|---|----------------------|------------------------|------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/777,759-Conf. #5326 |            |
|   | Filing Date          | February 13, 2004      |            |
|   | First Named Inventor | Yi-Tsuo WU             |            |
|   | Art Unit             | 2828                   |            |
|   | Examiner Name        | M. A. Golub            |            |
| Total Number of Pages in This Submission  | 3                    | Attorney Docket Number | 3313-1113P |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Receipt Postcard |
| Remarks  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                      |          |        |
|--|--------------------------------------|----------|--------|
| Firm Name                                  | BIRCH, STEWART, KOLASCH & BIRCH, LLP |          |        |
| Signature                                  |                                      |          |        |
| Printed name                               | Joe McKinney Muncy                   |          |        |
| Date                                       | January 30, 2006                     | Reg. No. | 32,334 |



Docket No.: 3313-1113P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Yi-Tsuo WU et al.

Application No.: 10/777,759

Confirmation No.: 5326

Filed: February 13, 2004

Art Unit: 2828

For: VCSEL AND THE FABRICATION METHOD  
OF THE SAME

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Examiner: M. A. Golub

**REPLY TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated December 28, 2005, the following remarks are respectfully submitted in connection with the above-identified application.

**REMARKS**

Claims 1-17 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-5 and 12-17, drawn to a fabrication method of VCSEL; and

Group II, claims 6-11, drawn to a VCSEL.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-5 and 12-17.**